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Caplan Named LSC President

Professor Gerald Caplan has been appointed acting president of the Legal Services Corporation by the Board of Directors on March 5. The Legal Services Corporation is a nonprofit, private organization established by Congress through the Legal Services Corporation Act of 1974 to provide financial support for legal assistance to the poor in civil matters.

Professor Caplan will begin his duties as acting president on April 1 and will serve until a permanent president is selected by the Board. Professor Caplan was chief of planning and research of the Legal Services Program when it was part of the Office of Economic Opportunity in the mid 1960s. From 1973 through 1977, he served as director of the National Institute of Justice in the Justice Department.

Professor Caplan stated that, for the present, he will continue to teach at the National law Center. ■

Professor Caplan

Carlsons Win Moot Court

by Filomena D'Elia

Thomas and Charles Carlson triumphed as respondents in the final round of the Van Vleck Moot Court finals, held on February 27th. They were congratulated by the distinguished panel of judges which included Patricia Wald of the D.C. Circuit Court of Appeals as Chief Justice, and Oliver Gasch and Harold Greene of the D.C. District Court as Associate Justices. The judges admitted that the decision had been a difficult one, commending the petitioners Jane Rossowski and Carolyn Sabol for their fine work and excellent brief.

Both petitioners and respondents deftly handled a barrage of difficult questions presented by the judges. The case, *Immigration and Naturalization Service v. Hector Gonzalez,* raised the issues of whether the questioning of a suspected alien by immigration officers constituted a seizure under the Fourth Amendment, and whether the officers' reasonable suspicion that an individual is an alien, absent a belief that the individual is illegally in the U.S., justifies and renders constitutional the stop and questioning.

It was apparent that both both petitioners and respondents had spent many hours preparing their arguments. The judges stated that the quality of oral advocacy surpassed much that they had seen in their courtrooms and welcomed the finalists to come argue before them at any time.

After the contest was over Judges Greene and Gasch reminisced about when, as G.W. students, they participated in Moot Court finals—and lost. Judge Wald then stated that she wished upon all those who lost the same fate that had befallen Judges Gasch and Greene.

Professor David Seidelson served as advisor to the Van Vleck Moot Court Board and cited their work in making the competition a success.

Although the February 27th final marked the end of the Van Vleck Competition for this school year, the First Year Moot Court Competition is still underway. The participants are preparing for the second round of oral arguments which is to be held on March 18th. After the first round Eileen McDonough and Robert Mace were in first place, with Theresa Hajost and Alison Duncan only three points behind.

The first year case presents a challenging research issue: whether a youth offender's

(Please turn to page 11)

Young Takes Over SBA

On February 11, new SBA officers Steve Young (President), Lisa Erickson (Vice-President), Mark Warnquist (Treasurer), and Tina Steck (Executive Vice-President) took office. Having spent the first few weeks of their new administration cleaning out the SBA office and organizing their approach, the new SBA officers are now ready to face the world . . .

Stressing organization and group effort, the officers are heartened by the amount of volunteerism they've seen so far. An impressive number of students have already signed up for the various committees formed by Young and company, and the committees are now hard at work. Young observed that for the most part, "Students don't realize how entrenched things are around here. There is a tremendous amount of background work that goes into any major issue, and still after all that effort, the faculty can vote against us. And then everyone blames the SBA for not doing anything." Young encourages anyone who thinks that the SBA isn't doing enough "to come up to our office, we've got plenty of work to do."

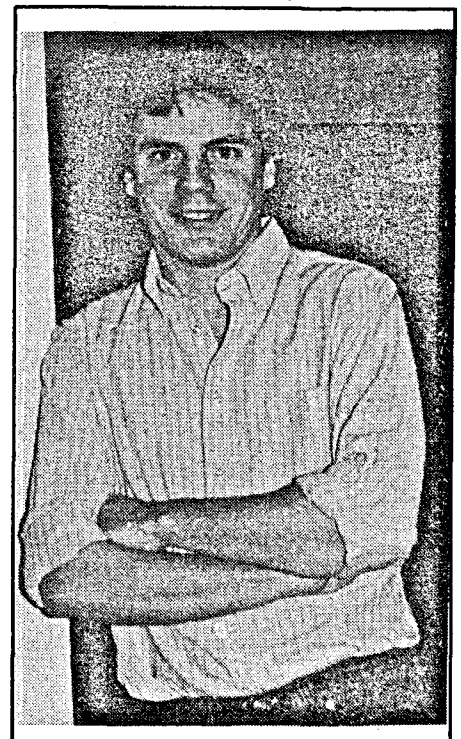
Young is confident that their contribution to the groundwork laid by the previous administration will result in tangible change soon. Young stated that "This SBA administration is staking its reputation on something positive happening in placement." According to Young, the administration is much more aware of student discontent with the placement office, "They understand we're very well informed on the issues and that we're intent on change." Young is hopeful that improvements may occur in the placement area by the summer, but reminds students that this change is the result of two years of work by the SBA.

Additionally, a new student committee has been formed to develop a grievance procedure for the school. Vice-President Lisa Erickson stresses that this committee is not specifically concerned with the Hambrick issue, but that "The Hambrick problem is the classic type of issue a grievance procedure is designed to handle." Although any type of procedure like this is sticky because of the professional autonomy argument, Erickson said that the SBA is determined to see a formal grievance procedure at the NLC. According to her, "it's long overdue."

Erickson was enthusiastic about two more new ideas ushered in by the new administration: the Student Services Committee, and a Young Alumni group. The Student Services Committee is gearing up to handle the problems caused by the building program in the next few years, and will be especially concerned with running a strong orientation program for next year's first year class. Erickson joked, "Maybe if we keep them drunk they won't notice the construction."

As for the Young Alumni group, Young and Erickson hope to involve them in helping to find jobs for G.W. students. They are currently working on a mailing to go out to recent grads reminding them that jobhunting is tough and urging them to hire G.W. students whenever possible. A forum of Young alums giving advice on jobs and valuable courses was held on March 15. The SBA hopes to increase overall interaction between alumni and students, and plans are underway to actively involve alums in the Orientation Program.

To sum up, Young is convinced that "we're going to make a difference. We've been gratified by the amount of student response so far, and we're organized and willing to take on what we can." He feels that the SBA now has the Dean's confidence and credibility within the student body, and that their reputation depends on living up to that status. ■



SBA President Steve Young

NOTICEBOARD

Younger To Speak On Erie v. Tompkins

On Tuesday, March 30, the Enrichment Program will sponsor a lecture by Irving Younger. Mr. Younger, a former law school professor and judge, is currently in private practice in Washington. He is well known to law students and lawyers for his immensely entertaining and informative lectures on a wide range of legal topics. His lecture on March 30, which is entitled "What Happened in *Erie,*" will explore a case familiar to all law students—*Erie R.R. Co. v. Tompkins.* The lecture is scheduled to begin at 4:00 p.m. in Room 101 with a reception to follow. ■

Library Notes: More Workshops

by Brian Dixon

Through March and early April, the Library will sponsor another series of brown bag workshops. Unless otherwise noted, all workshops will be held in the Hoover Room on the 4th floor of the Library from 1:00 p.m. until 2:00 p.m. Seating will be limited.

March 17
ISLAMIC LAW RESEARCH: AN OVERVIEW. Mr. Ashtar A. Ali, Member of the District Bar Association of Lahore Pakistan.

***March 18**
U.S. SUPREME COURT RESEARCH. Ms. Penny Hazelton, Ms. Sharon Fitzgerald, U.S. Supreme Court Library

March 31
D.C. LEGISLATURE & REGULATORY RESEARCH. Mr. Carey Hatch, Librarian, Wilkes & Artis

April 1
D.C. PRACTICE RESEARCH. Mr. David Lee, Former Teaching Fellow, National Law Center

***April 6**
LEGISLATIVE HISTORY AND THE FEDERAL LESIGLATIVE PROCESS. Mr. Jim Heller, Librarian, Civil Division, Department of Justice

april 7
LEGISLATIVE HISTORY: CURRENT LEGISLATIVE TRACKING. Mr. Joseph Meringolo, Assistant Librarian, Morgan, Lewis, Bockius

April 8
RETROSPECTIVE LEGISLATIVE HISTORY. Mr. Jim Heller, Librarian, Civil Division, Department of Justice

*Will begin at noon

Belva Lockwood Day Celebrated

by Janet Bartelmay

On March 3 the National Law Center celebrated the first annual Belva Lockwood Day, commemorating GW's first woman law graduate and her many achievements. The Law Association for Women, the sponsor of the event, described the day as both a commemoration to the achievements of women in the legal profession and a recognition of the obstacles women have faced in the past and continue to face today.

Highlights of the day were a noontime speech by Ms. Laura Murphy of the American Civil Liberties Union and an evening coffee-house where a standing-room-only crowd joined singers Susan Kellock and Jennifer McKenna in the singing of feminist folksongs.

Born in October 24, 1830, Belva Lockwood was admitted to the National University Law School in 1871 after previous rejections from this school, Georgetown, and Howard Universities. Although completing her legal studies in May of 1873, her diploma was delayed and was sent to her in the mail only after the intervention of President Grant, the school's ex-officio president.

Lockwood was admitted to the bar of the District of Columbia and, in 1879 was the first woman to be admitted to practice before the United States Supreme Court. In spite of Lockwood's achievements, however, the state of Virginia refused to admit her to its bar in an action subsequently upheld by the Supreme Court.

Lockwood was the first woman to run for President of the United States and, although ridiculed and belittled by the press, she received over 4,000 votes in 1884.

The law school has recognized Ms. Lockwood's many achievements with a bust located on the fourth floor of the Jacob Burns Law Library. ■

Moy, Zarfas Win Intellectual Moot Court

Students R. Carl Moy and Louis Zarfas have won the Intellectual Property Moot Court Competition, sponsored by the Student Intellectual Property Law Association (SIPLA), and have thereby earned the privilege of representing George Washington University in the Northeastern Regional Giles Sutherland Rich Moot Court Competition in New York City on March 19-21, 1982.

In the final round on Saturday, February 6, 1982, Moy and Zarfas narrowly defeated finalists Gerald P. James and Daniel R. Gropper in a close decision based on the briefs. The judges noted that the two teams were almost evenly matched with respect to skill in oral argument. Other participants in the preliminary rounds on February 2 and 3 were Brad Adolphson, Mike Goldman, Amanda Ralph and Reid Adler, all of whom distinguished themselves with fine performances.

This year's moot court problem represented a departure from the strictly patent-oriented questions of past years, and involved right to privacy and trademark infringement issues upon the death of David Lee, a mythical rock singer and former leader of a musical group dubbed "Foggy Bottom."

Judges for this year's final round were G. Franklin Rothwell, William W. Beckett, Richard D. Kelly, Ronald R. Snider and Norman H. Stepno.

The Giles Sutherland Rich Moot Court Competition is sponsored by the American Patent Law Association and is named after a distinguished member of the United States Court of Customs and Patent Appeals who also co-authored the present Patent Statute. Following the regional competitions in Houston, Los Angeles, Chicago and New York, the National Finals will take place in Washington, D.C. on April 14-16, 1982. ■

Economy, Building Transition Postpone Clinic Expansion

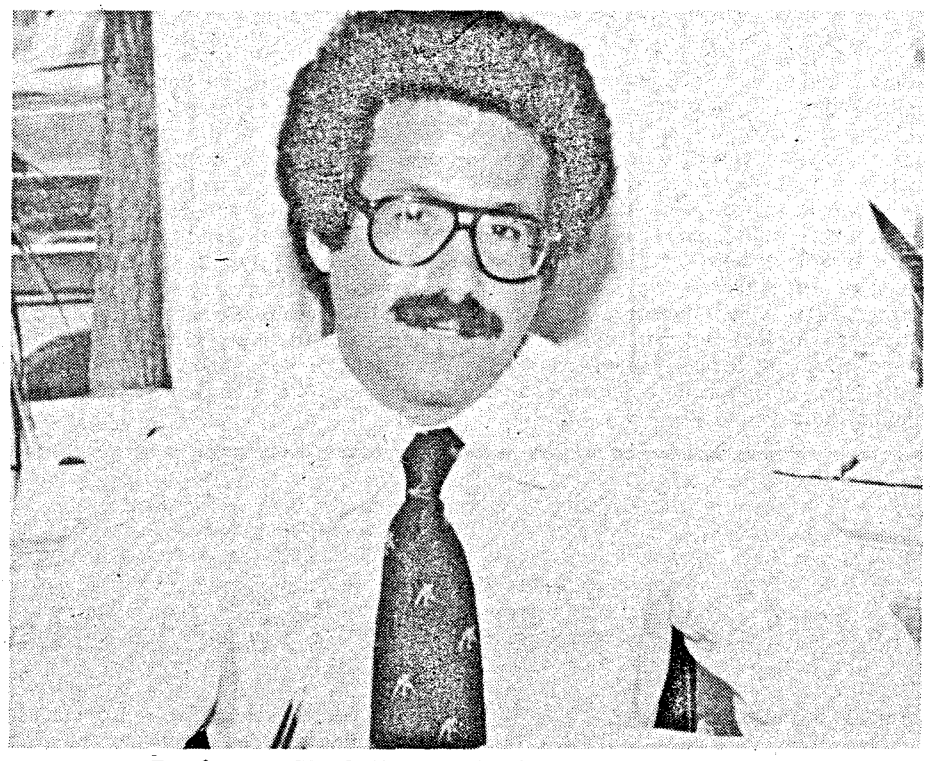
by Peter Darvin

The clinical program at the National Law Center enjoys a well deserved reputation for its broad range, variety and depth. Perhaps because of its excellence, and due to the general increasing student interest in practical "real life" experience, the clinica program is now faced with the difficult task of meeting and equalling the increasing student demand for these programs.

Recently, the clinic completed its selection process for the third year student litigator program. This program, just one of many clinical opportunities, allows law students to practice as student-attorneys in D.C. Superior Court and the Court of Appeals under the direct supervision of one of four clinic attorneys. Unfortunately, the student demand far exceeded the available positions (by a margin of 2 to 1), necessitating a competitive selection process. The Administration's present inability to successfully meet the increasing student interest is largely due to external factors.

First, the effect of Reagan's budget cuts has not left the law school unscathed. The clinic formerly operated primarily through a funding grant provided by the Departments of Health and Human Services and Education. This money, approximately $500,000.00, was cut this year, leaving the Administration to fund unexpectedly the clinical programs at a reported deficit. Although the D.C. government is expected to assume the bulk of the funding burden, no money has yet been provided, nor is its receipt anticipated in the near future.

Secondly, the plans for a new law school have placed the clinic in a state of limbo. Its present cramped facilities located in Bacon 101 are to be replaced by the larger basement surroundings of the revamped Stockton Hall. However, from the time Bacon is torn down (scheduled for this summer), until the completion of Stockton Hall (at *least* three years into the future), the clinic program will be operating outside of the law school facilities. This makes it unlikely that the program will be expanded (i.e. more attorneys and staff hired) during this interim period of adjustment.



Professor Sirulnik: Unchallenged commitment

In addition, the other available litigator program, Law Students in Court, which is administered by an outside agency, has increased its cost per student, prohibiting increased G.W.U. involvement in the program. More precisely, the 'credit' that G.W. had built up due to its past, disproportionately large financial contribution, has now been exhausted. The law school is now charged the same per student rate of approximately $2,000.00 a year as the other area schools. This cost is reported to be substantially greater than the in house cost of the clinic Litigator Program. In these times of competing financial demands on the law school budget (i.e. placement, construction funds) the Administration appears unable to sustain the added financial burden that increased involvement in the Law Students in Court program would entail.

The importance of a clinical experience as part of the overall law school education cannot be underestimated. It provides the student with valuable learning experience which helps to both guide the student in his/her subsequent career decisions as well as to better prepare them for that field of practice. Especially in light of the shrinking job market, many students value the clinical experience as a means of distinguishing themselves in the competitive market (those students comprising the "bottom" 90 percent of the class).

Furthermore, the client contact involved in the clinical program serves to humanize the law school experience, enabling students to integrate the study of law with its practical application. Lastly, by instituting and maintaining a clinical program, the law school itself is able to establish a relationship with the surrounding community by providing vitally needed services and assistance.

Conversations with Dean Barron and Clinical Director Eric Sirulnik have substantiated the unchallenged commitment of this Administration to the clinical program. However, students faced with large tuition increases may find it difficult to accept the plea of financial impoverishment as a rationale for a leveling off of allocated resources to the clinic program in light of the rising student demand. Perhaps if the clinical program is indeed an Administration priority, the difficult transition period ahead for the National Law Center can be met by *presently* committing *substantially* larger resources (i.e. pay for increased enrollment in the Law Students in Court program or hire more clinic attorneys) to meet the significant new demand for clinical education.

Clinics Open For Fall

The Community Legal Clinic will offer a variety of clinical programs for both second and third year students next year. Although the selection of third year students has already been made for the Civil Litigation and Criminal Prosecution clinics, there are some openings in the programs listed below. Further information on clinical programs may be obtained in Bacon 101.

Immigration Clinic (La2 346, Sec. 01)

Clinical work includes counseling and representation at deportation hearings, oral argument before the Immigration and Naturalization Service, Board of Immigration Appeals, U.S. District Court and the U.S. Court of Appeals. Students will assist immigration clients residing in the Washington area with a wide variety of problems, including adjustment from nonimmigrant to immigrant status, obtaining visas for their relatives in other countries to enter the U.S., and obtaining voluntary departure orders for those whose visas have expired and who are threatened with deportation, and obtaining citizenship in the U.S.

Only third year students will be allowed to represent clients at deportation hearings, appeals or appearances in federal court. Second year students will be able to appear with clients at interviews before the Immigration and Naturalization Service and to counsel clients on all aspects of immigration law. This clinic may be taken for from two to four credits, with a minimum of ten hours work per week required. A two hour weekly seminar and additional weekly meeting with a supervisor are mandatory. Students must be enrolled in Immigration Law (586) or have successfully completed the course. Written applications for the clinic should be submitted to Bacon 101 no later than March 19. There are five positions open to second year students each Fall and Spring semester; final selections will be made by a lottery and posted prior to preregistration.

Administrative Advocacy Clinic
(Law 346, Sec. 02)

This clinic provides students an opportunity to serve indigent clients, especially the elderly, in pursuing their rights and benefits before various government agencies. The Community Legal Clinic, through which the students gain this experience, operates out of four offices: the Legal Aid office located in the Clinic; Operation P.E.P. (Protection for Elderly People) located at 3511 14th St., N.W.; the Martin Luther King office located at 2028 Martin Luther King Ave., S.E.; and the St. Mary's Court office located at 725 24th St., N.W.

Under the supervision of staff attorneys, the students represent clients both in formal and informal advocacy settings. Students will learn such basic skills as interviewing, negotiating and will drafting. They may also have an opportunity to present a client's claim at an administrative hearing or before an administrative appeals tribunal.

Students earn two credits per semester for a minimum of ten hours work per week. In addition to their work with clients, students are required to take a seminar which meets weekly for two hours. While some class time is devoted to substantive law in such areas as social security and wills, the seminar is designed primarily for the development of practical skills. There are fifteen positions open for second and third year students each Fall and Spring semester; third year students will be given preference. Interested second year students should fill out an application in Bacon 101 by March 19. If the number of applicants exceeds the number of spaces, a lottery will be held prior to preregistration and a list of those chosen will be posted. If unfilled spaces remain on the days of registration, they will be filled on a first come, first serve basis.

Small Business Clinic (Law 346, Sec. 03)

Under the supervision of the staff attorney, students gain experience in business law and client management by providing legal services to prospective small businesses in the District of Columbia. Work done by students includes drafting partnership agreements and incorporation papers, helping clients comply with District of Columbia licensing and zoning requirements, reviewing and drafting commercial leases and contracts, and handling a variety of less common legal problems that small businesses confront. Five hours a week is required for each credit hour eaerned; the clinic may be taken for from two to four credits. Successful completion of corporations and tax is required, and a two hour seminar is part of the clinic. Some spaces are available for second year students, but third year students will be given preference. Permission of the instructor is required; all students interested in applying should contact Prof. Lela Love (ext. 7565).

Outside Placement (Law 346, Sec. 04)

Students can register for placement with many District and federal governmental agencies and public interest organizations. A wide variety of suggested placements already available are compiled in the Community Legal Clinic office. Additionally, students can arrange independent projects with other organizations. All projects must receive prior approval of the Director of Clinical Programs or his staff.

Students can receive one to four credits per semester. Each credit reflects an average of five hours of legal work each week, or approximately sixty hours of work per credit over the semester. Grading for all outside placements is credit-no credit; however, no credit will be awarded until the student's placement supervisor verifies that s/he has satisfactorily performed the work and fulfilled the number of work hours agreed upon. Students cannot receive academic credit for outside placement if they are receiving pay for their work.

Government Contracts Clinic: Growing by Leaps and Bounds

The newest of G.W.'s clinical programs, the government contracts clinic, has grown by leaps and bounds since its inception last fall. Under the direction of supervising attorney Carl Fink, the clinic has already developed a considerable caseload. The clinic offers students the opportunity to work with a variety of substantive issues and to practice before different judicial forums in controversies concerning the award and performance of federal government contracts. Students are currently involved in litigating cases before the agency boards of contract appeals, in the Court of Claims, and may soon be involved in a suit in the federal district court.

According to clinic-head Fink, this program is well on its way to becoming a vital part of the NLC's clinical curriculum, provided that there is sufficient student interest and support to sustain it. The clinic is somewhat flexible in terms of the commitment required of students and credit hours earned. Fink noted, however, that students interested in the program must exercise some foresight in curriculum planning, since the government contracts clinic, unlike other clinics at G.W., has a prerequisite: participants must have completed one of the basic procurement law courses, Law 431 or 432. Therefore, students who are interested in the program should consider taking a government contracts course in the fall or spring semesters of their second year in order to become eligible for participation in the spring or summer of that year. Additionally, because of the complexity of the cases and the time frame needed to resolve them, the clinic would prefer students to participate for two consecutive semesters, and may offer up to four credits for four semesters worth of work.

Of immediate concern to the clinic is the upcoming summer. There are four cases which could potentially be active this summer, and all the current clinic members are graduating third year students. The clinic, having proved itself to be a viable and active educational experience, encourages all students having an interest in the practical side of government contracting to drop by the clinic (room 303D Bacon Hall) to discuss the possibilities of participating in the program this summer or next year. ■

The Night Line

Mobilization Key to SBA Success

by Wilbert Nixon

The Evening Student Caucus

Since this is the first issue of the *Advocate* following the recent SBA elections, I would like to take this opportunity to congratulate my colleagues in the Student Bar Association (SBA) for their election victories. The new evening student representatives are as follows: Ken Woolcott (second-year evening representative), Debra Sapper (third-year evening representative), and John Pressley (fourth-year evening representative). Each of these individuals is concerned with the problems that face the evening law students here at the National Law Center. During the coming 1982-83 academic year we will be calling on the evening students to support us in our efforts to address those problems.

Ken, Debra, John and myself make up the adjunct committee of the SBA, whose primary purpose is to specifically address the needs of the evening student at the NLC. Membership is by no means limited to SBA members, however. Any and all interested evening students are urged to join us—there is certainly plenty of work to go around. Some of the problems the ESC will be tackling this year are: the possibility of Guaranteed Student Loan (GSL) cutbacks, curriculum, and placement. One problem we do not have to worry about this year is the problem of the tuition disparity between the day law students and the evening law students. Evening students have traditionally paid a higher 'per-hour' tuition rate than day students. That inequitable rate practice will end in the 1982-83 academic year due primarily to the tenacity and hard work of Marvin Elster. Recently, it was brought to my attention that my statement in the last issue of the *Advocate* could have been construed in an incorrect manner giving the reader an impression that the ESC was primarily responsible for the success on tuition disparity. This was an unfortunate inference. In fact, most of the work on tuition disparity was completed before the ESC was formed. We, in the ESC, salute Marvin for his work in this area and hope he continues to work for the interests of all evening law students. We need more concerned evening students to join the ranks and help us 'take on' the problems that many choose only to complain about.

Student Mobilization

The theme of the previous SBA administration was 'Student Participation' and insofar as that theme encouraged students to take a more active role in their non-academic activities, it served a very useful purpose. As evidenced by increased participation in SBA-sponsored events in the day and evening, the students of the NLC became more aware of what was available to them. In the evening school we found it possible to benefit from many of the same programs that the day students had benefited from traditionally; such as the Faculty Speaker Series, the frequent appearances of nationally-recognized speakers (George McGovern, William Winpisinger, and Shirley Chisholm), and the reappearance of after-class 'get togethers' scheduled with the evening students in mind. The previous SBA Evening Vice-President, Sam Schaen was instrumental in bringing these programs to the evening students and it is our job to continue and expand the present drive toward increasing student involvement.

In light of the 'Student Participation' theme of the previous administration, I would suggest that the theme for this year should be 'Student Mobilization.' This suggestion appears to be a logical extension of the previous theme. The efficacy of 'Student Mobilization' is based on the assumption that nothing of significance can be accomplished without continued student support but with the understanding that the student support asked for must be channeled and focused at well-defined, articulable issues. The former requirement of student support can only come from the students as a whole. The latter requirement of expertise in defining issues and focusing student concerns should come from the student leadership. There is much evidence to support the contention that the SBA should adopt a policy of actively mobilizing student concerns around certain issues. The Tuition Forum of last semester stand as significant indications that students are ready to respond to issues that affect them. In these times of political and economic uncertainty, the stereotypical, 1970's, apathetic student is, or should be, dead. The student leadership must rise to the challenge of the conscious student and present to that student reasoned and effective proposals for making student input count. The responsibilities set forth here are mutual, however. While the SBA has a responsibility to address student concerns in the proper forum, the students also have an equivalent responsibility to cooperate with the leadership when they ask for student support. The problems that confront us, such as problems with placement services, curriculum, and questionable grading practices by certain professors, can be strongly addressed by the well focused mobilization of the student body.

Where does the evening student fit into all of this? Right in the middle. The troubles of the day students are, for all intents and purposes, the troubles of the evening students. If there is a cut in GSL funding, the evening students will suffer along with the day students. If the Placement Office continues to be a source of aggravation to the day students, it will, no doubt, aggravate the evening students as well. If the lack of curriculum choices causes a slight inconvenience to the day students, it could have a devastating effect on the evening students' chances of getting the classes they want. As a general rule, the evening student's problems are the day student's problems "warmed over" a couple of hours, so when I urge the general student body to support its representatives, I *especially* mean the evening student.

I do not want to give the impression that no progress has been made in these problem areas, however. Dean Barron is generally cooperative with the evening student representatives when we can offer him a reasonable alternative to a current adverse NLC administration policy *and* we can show sizable student discontent with the particular policy. For example, on the issue of curriculum, we offered Dean Barron many reasonable suggestions on how to improve the curriculum for evening students. During the meeting, it was suggested that the Dean "rotat the faculty." This process involves the Dean asking professors who traditionally have 'professed' during the day to 'profess' during the evening. We are encouraged to note that the 1983 Spring Course Schedule shows that Professors Chandler (Computer and the Law), Raven-Hansen (Federal Jurisdiction), and Schechter (Federal Antitrust) will be teaching in the evening. This is certainly a step in the right direction and we applaud the Dean for his efforts in this area. We also note that the professors for the 1982 Fall evening courses of Corporations, Insurance and Unfair Trade have not yet been selected. We trust that the method of selecting professors for these remaining courses will be consistent with the faculty rotation concept. I would also like to mention the tremendous job Dean Schwartz has been doing as the student's "inside" contact to the NLC administration. The latest in a long string of accomplishments for Dean Schwartz was the Pre-Registration Counseling Program which was well attended by day and evening students alike. We, in the ESC, applaud Dean Schwartz for scheduling much of the counseling at 8:00 p.m.

There is still a lot to be done in all of the problem areas, however, and we cannot begin to solve these problems without student support. If you need a problem addressed or a question answered, see your SBA class representative; that's what they're there for. When your representative asks for *your help* in addressing some student problem, give them your support; that's the only way we can solve any of our problems. If you would like to become a part of the ESC and help solve some of these problems, please contact your SBA representative. Remember, support your local SBA! ■

PAD Celebrates Spring Initiation

The National Law Center Jay Chapter of Phi Alpha Delta legal fraternity held its Spring initiation on March 10th and the Rayburn House Office Building. The ceremony was immediately followed by the annual PAD Congressional/Judiciary Reception. PAD members of Congress and the Judiciary attended, along with other alumni and student members.

PAD will hold its annual election of officers on March 17th, and results will be announced at the Spring Awards Banquet on April 3rd. The chapter plans to continue its active calendar, and upcoming events include a PAD visit to the Supreme Court, a silent auction, a day at the races in Charlestown, and a Spring dinner dance. Dates and details of upcoming events will be posted. ■

Public Interest Lawyers Offer Advice

by Julie Becker

The Equal Justice Foundation's panel discussion, "The Public Interest Bar in D.C.," featured three of the nation's top public interest lawyers: Alan Morrison, Director of Public Citizen Litigation; Anthony Roisman, Director of Trial Lawyers for Public Justice; and Armand Derfner, a private practice attorney specializing in minority voting rights. Each has a distinct viewpoint of the public interest bar.

Roisman's organization, Trial Lawyers for Public Justice, opened its doors just a few weeks ago. The aim of the organization is to obtain large damage awards in cases against corporations which act irresponsibly. Roisman explained that such damages make it less worthwhile for these corporations to violate federal regulations.

Roisman left the Department of Justice recently, and he pointed out that significant sacrifices must be made in exchange for the pride and personal involvement of working in the public interest. The salary is low, and the publicity is sometimes overwhelming.

Morrison followed with a speech on the benefits of public interest law. According to Morrison, a young attorney learns more by working for a public interest organization because he handles cases from start to finish. The job atmosphere is personal and casual. Morrison confessed, "I sometimes interview people in my jogging shorts." Because of the publicity surrounding him, Morrison has been able to travel and invited to meet with prominent political figures. And as for the low pay, he doesn't seem to mind: "You don't have to worry about dressing up to come to work; nobody can afford to."

Derfner has a unique suggestion for students wanting to work in the public interest. "Choose where you want to live and go there." Several years ago Derfner settled in Charlottesville, North Carolina, and set up a solo practice. By taking a portion of damages recovered in civil rights actions Derfner was able to build a practice—and a reputation—in this area of law. Today he is one of the leading authorities on minority voting rights.

So how does one get started with a public interest career? Neither Roisman nor Morrison hires attorneys who have just finished law school, and students have a better chance of being paid later if they volunteer now. Both men said that they depend heavily on the recommendations of people who they know and trust when making a hiring decision.

And what if you want to avoid litigation? There are non-litigation opportunities as well. "Some people are like cows," explains Morrison, "they chew on sweet grass all day and make milk. Others are like oysters; they make pearls by getting irritated. If you're a cow make milk." As for Roisman, Morrison and Derfner, all three prefer to make pearls. ■

EJF Pledge Drive Receives Broad Support

Last month's Equal Justice Foundation Student-Funded Fellowship pledge drive received the support of 115 students and professors at the National Law Center. Half of the money collected will be used to hire one student from the National Law Center to work at the Equal Justice Foundation (EJF) headquarters in Washington, D.C. during the coming summer. The rest provides fellowships for students planning to work in the public interest for the summer. The maximum fellowship offered is $500. These funds will be in addition to any salary the fellow receives from a public interest organization.

Students who are interested in working for the EJF should leave a resume and writing sample in the Placement Office by 5 p.m. on April 5th. Fellowship applications are also available at the Placement Office and must be turned in there by 5 p.m. on April 8th. EJF pledgers will vote to select the fellows on April 12 and 13, and the winners will be announced April 15th. ■

Students Push For Ban On Grading Family Members

By William Schladt

Students are currently circulating a petition to adopt a rule prohibiting law school professors from grading their spouses, relatives, or siblings who choose to enroll in their relatives' classes. The impetus for the petition arose in the spring semester of 1981, when Professor James Chandler permitted his wife to enroll in his property law section. Professor Chandler had no comment on the petition.

Concerned about any possible conflict of interest or appearance of impropriety, the students want the National Law Center to adopt a rule whereby a professor's spouse or sibling would not be permitted to enroll in his or her class unless there is no reasonable alternative. Where the spouse, child, or sibling is forced to take a class with his/her relation, the rule would require that the course be graded on a pass/fail basis. The rule is intended to be retroactive.

The students are concerned that professors whopermit relatives to enroll in their classes for a grade may be violating the Canons of Ethics of the American Bar Association. The Canons of Ethics prohibit lawyers from engaging in any activity which would have the appearance of impropriety. By opting to grade his/her spouse, child, or sibling, a professor might bring into question his/her integrity as a lawyer and teacher and his/her objectivity in the evaluation of a student, according to the students.

The petition which the students hope to have adopted reads as follows:

PETITION TO ADOPT A RULE PROHIBITING PROFESSORS FROM GRADING THEIR SPOUSES, CHILDREN, AND SIBLINGS

WHEREAS:

1. An attorney is required to avoid even the appearance of impropriety; and
2. An attorney who has assumed the obligations of a professor is especially obligated to avoid all actions which tend to compromise and integrity and responsibility which the position of "Professor of Law" demands; and
3. It is a fact of human nature that a person will tend to look upon his loved ones with favor and protection, whether consciously or unconsciously;

IT IS HEREBY REQUESTED that the GWU National Law Center adopt the following Rule as the official policy of the school:

"No professor or teaching fellow shall be permitted to have a spouse, child or sibling enroll in his or her section unless the absence of any reasonable alternative makes such enrollment unavoidable. In such a case, the spouse, child or sibling must be graded on a Pass/Fail basis. This rule shall be applied retroactively to all students attending the National Law Center as of August, 1981 as follows: any student who has received a letter or numerical grade in a course taught by a spouse, parent or sibling will have the grade changed to a "Pass" or "Fail" in accordance with the policy expressed in this Rule."

Student Role On Faculty Committee Causes Confusion

by Ellen Reich

The votes of the student members of the Faculty Appointments Committee serve an informational function, but wield no power.

On February 1 the committee voted on a motion concerning the recommendation of certain teachers for appointment to the faculty. The total vote of committee members on the motion split four to four; the breakdown was four faculty members in favor of the motion, one opposed and three members opposed.

Despite the apparent tie vote, the motion was officially passed by the committee.

The policy of informational student voting on this particular committee is set by the law school. "The selection of faculty is a faculty decision," says Professor Zenoff,

Professor Dienes: Supported by ABA regulations?

chair of the committee. She and Professor Dienes, another member of the committee, suggest there is support for this position in ABA regulations.

The legal education section of the ABA office in Chicago was not aware of any regulations specifically supportive of this policy.

A spokesperson for this office, Carrie Hedges, stated that ABA regulations were intentionally broad. She cited two regulations as the potential guidelines for the GW policy: (1) "A law school shall establish and maintain conditions adequate to attract and retain a competent faculty"; (2) "The major burden of the educational program and the major responsibility for faculty participation and governance of the law school rests upon full time faculty members."

American University's law school faculty appointments committee grants student members full voting power and maintains a two to one faculty-student ratio.

Student members are not limited to informational voting on all committees at the law school. Associate Dean Teresa Schwartz cited the pivotal role students played on the grade disparity committee: without the student votes, the critical proposal of the committee would not have passed in December.

Despite the powerless vote of the student members of the appointments committee, there is praise for the receptiveness of the faculty to student input on this matter. The student vote on the motion was reported to the faculty senate and the student members were able to present their position at that time.

The actual selection of faculty members is decided by the tenured faculty. Four factors receive consideration in these decisions: scholarly promise and/or performance; contribution to school governance; public service; and teaching ability. ■

EDITORIALS/OPINION

Taking Flight

When the leaves fall, the geese fly. When classes end, Professors disappear. One migration is instinctive; the other is self-indulgent, unprofessional and intolerable, especially in the face of rising student costs.

The most important time of the semester for a student to have access to Professors is the exam period. By that critical point, student questions and problems become very specific. It is an integral part of the role of the professor to be available during this period to answer these questions. Despite this obvious responsibility, it is the practice of many professors to vanish without a trace at the end of their last class or at most to deign to receive supplicants' questions for the remainder of that day.

It is understandable that a professor may feel uneasy about discussing course topics with a student after the exam has been written. Nonetheless, this does not obviate their responsibility to set aside and hold office hours to answer individual questions. It is just as important that professors give their classes fair, adequate, and reasonable notice of these office hours. Some professors have given as little as a few hours notice of their imminent departure; we suggest an absolute minimum of a week's notice with office hours held during that week. Anything less than this is unacceptable, and unresponsive to students' needs. ■

A Good Show

Approximately 150 students attended the final round of the upperclass moot court competition on Saturday, February 27. For those students it was a valuable opportunity to hear fine oral advocacy and observe first-hand Judges Greene, Gasch and Wald.

We congratulate the four finalists and we are sorry that more students did not get a chance to see the competition. We are also apalled by the lack of faculty and administration attendance. We think it telling that fifteen hundred students *and* a large percentage of the faculty and administration attended the law revue show but only a fraction of this number took the time to be present at something as important to a law school as the Moot Court finals.

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Editor David Braus

Managing Editor Valerie Richardson

Photo Editor Mark Arbesfeld

Associate Editors Lori Berman, Arlyn Charles, Erich Schwartz

Design Mary Beth Bosco, David Danner

Staff Ruth Bale, Fred Becker, Julie Becker, David Certner, Sandra Cohen, Steve Cooper, Linda Corbelli, Frank D'Amore, David Krech, Beth Kuoni, Ellen Martin, John Silberman, Hank Street, William Tabor.

Contributors Kimberly Bloodworth, Brian Dixon, Andrew Robinson, Hank Street

Ace Cub Reporter Janet Bartelmay

Contributing Editor David Danner

The Advocate is published monthly by the law students of George Washington University. Its offices are located in Room B-02, Bacon Hall, 2000 H Street, N.W., Washington, D.C. 20052. Telephone (202) 676-7325.

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The Advocate will consider for publication all articles, letters, and cartoons submitted. Letters must be signed to be considered.

LETTERS

STUDENT DESERVES PRESUMPTION OF INNOCENCE

Jim Bowen, a first-year student in Section 11, received no grade in Criminal Law last semester because his exam book was not in the batch which was to be marked by Professor Eric Sirulnik. Both the members of Section 11 (who signed a petition protesting the treatment afforded Bowen in this matter) and I feel that this should be brought to the attention of all those who are a part of the law school community.

Jim Bowen took his Criminal Law final on December 14, 1981, and at the conclusion of the exam placed his test booklet on the proctor's podium—as did the rest of the students in the class. No instructions were given to the students as to the manner of turning in the booklets—and hence, no one waited for the proctor to check off his/her name. Jim Bowen first learned that a problem existed when grades were posted and no grade was issued to him. Evidently, his test booklet was not graded because it was not in the batch given to Professor Sirulnik. After consulting with Professor Sirulnik—and producing a witness who verified that he saw Bowen walk up to the podium with the test booklet and return empty-handed, Professor Sirulnik offered Jim the option of taking another final on a credit/no credit basis or for a grade. Bowen was amenable to this arrangement, but the Scholarship Committee negated Professor Sirulnik's offer, for it held that standard procedures dictated that the matter must be presented to them. At the Scholarship Committee hearing Bowen explained what transpired at the conclusion of the test—as did his witness. The Scholarship Committee came up with a proposal of its own: take a 45 for the course or re-take the *course* next fall. Evidently, the theory that Bowen had performed a masterful sleight-of-hand trick in walking up to the podium with his blue book and returning without it caught the fancy of the committee—as it overlooked Bowen's testimony and that of his witness. In response to this action, the members of Section 11 signed a petition urging a re-hearing of this matter, as did the SBA as it pushed for a re-opening of the case.

What concerns me—besides the obvious troubles which lie ahead of Jim— is how the handling of this matter reflects on this law school. Prior to my arrival here, I believed that I was going to attend one of the "elite" 40 or 50 odd numbered law schools which claimed that they were in the top twenty of this country. However, matters such as this one have compelled me to re-examine my thoughts. Two elements of this case disturb me greatly. First, I was always under an impression that the function of education was not only to educate, but also to provide an environment in which learning was facilitated by enabling teachers and students to interact in a give and take method. Any hopes of attending an ideal like this would be shattered here, where a student's innocence is not presumed (I seem to remember hearing about presumption of innocence somewhere). As a result of not believing Jim Bowen or his witness. I am cognizant of the problems which academic dishonesty can create—as are the colleges and universities across the country—and in situations like the Bowen matter, where our school has no well-defined academic honesty code, the problem can become quite sticky. In any school where the honor system is not employed (such as UVA), the presumption of innocence is whittled away—and as is evidenced here—where Jim Bowen has been put on the defensive—and has not been believed—it can become quite disheartening.

A second point—and probably the most important one in terms of resolving this—is that an agreement was reached between the two most important persons in this case—Jim Bowen and Professor Sirulnik. Bowen was able to convince his own teacher of his innocence—and if Professor Sirulnik, who taught Jim throughout the semester, will permit a re-test, why can't the Scholarship Committee? The committee may respond that the rules so dictate—but that is a transparent defense—for if it is so—then the rules are in dire need of correction, for they do not advance any educational objective, especially the aforementioned ideal of a strong student-teacher relationship. Respect is an oft-used and much maligned term—but it is obvious that it exists between Professor Sirulnik and Jim Bowen—and if this is taken away by the Scholarship Committee, they are not only injuring Jim Bowen, but hurting each and every one of us. This school has hopes of improving not only its academic standing but its reputation, and the construction of new buildings, as are underway, are a step in the right direction. However, any physical improvements will be only superficial ones at best if the true foundation, the outlook and treatment of the students is not modified, too. Jim Bowen's only recourse now, if the Scholarship Committee does not re-hear his case, is to file suit against the university, and the school can sit back quite smugly, knowing that suits of this sort are inevitably doomed to failure.

This "I'm stronger than you are" attitude is hardly conducive to an educational environment and is vaguely reminiscent of remarks which only serve to inflame the passions of those who believe they are subservient. I need say no more—and only hope that this school may re-examine not only Jim Bowen's situation—but also its stand on academic integrity—because before we can move ahead as a school, we must all be going in the same direction.

Sincerely,
Frank Michael D'Amore

The Advocate welcomes letters to the editor. All letters should be typed, double or triple spaced, and submitted to the Advocate mailbox in the SBA office, 302 Bacon Hall. Letters must be signed to be considered.

Federal Cutbacks and Law Schooling

BY John F. Banzhaf III

> The question is not whether there will be additional cutbacks but the extent of the cuts we should anticipate.
>
> Legal education is in danger of becoming left with whatever crumbs are left . . . they risk becoming sitting ducks for the administration.
>
> Law schools are particularly vulnerable . . . [the ABA is trying] to ensure that the law schools are not looted to meet the demands of failing programs elsewhere.
>
> Much can be gained by the law school in taking the initiative in proposing a university plan, and much can be lost if the law school does nothing until presented with a program by its central administration.
>
> A. Kennety Pye
> Chancellor and Professor
> Duke University School of Law

Although there has been a great deal of concern about cutbacks in federal support for law school education, there has been little in the way of detailed analysis of the specific impacts to be expected, and what can and should be done now—other than a lobbying effort. A notable exception was a talk Chancellor Kenneth Pye of Duke law school gave to the Dean's workshop at the recent ABA midyear meeting.

In his presentation Professor Pye attempted to identify in some detail what the impact of the proposed cutbacks would be on law students specifically, and what law schools should be doing now before it is too late. He indicated why law schools might be singled out to bear a disproportionate burden; why universities faced by cutbacks may attempt to "loot" the law schools; what the cutbacks would mean to law schools and their various programs; and why it was necessary for law schools to begin planning now.

This article is an attempt to summarize some of the major points of Professor Pye's address, and to add a few thoughts of my own at the end. Quotes are nearly verbatim with few editorial liberties taken.

The Cutbacks

There have already been cuts in many federal funding programs including so-called Pell grants, SEOGS, the SSIGS, the National Direct Loan Program, and the College Work-Study Program, but "law schools have been among the least affected components" so far for a variety of reasons. But, "from the point of view of the law schools, the most significant proposals for change related to the Guaranteed Student Loan program (GLS)." In this regard, "the question is not whether there will be additional cutbacks but the extent of the cuts we should anticipate."

Although "we are faced with the difficulty of predicting the impacts of an uncertain course of action on a partially unknown condition," certain benchmarks can be indicated. "In 1980-81, approximately 21% of the students in our schools received grants. The value of these grants was in excess of $25 million in private schools and in excess $9 million in public schools . . . grants in 1980-81 constituted 9% of tuition and fees, and loans constituted an additional 69% in private schools; thus 78% of tuition and fees were generated by loans and grants."

"GSL demand escalated from a little over the $1 billion level to $7.7 billion in 1981. The demand for GLSs and parent loans is now estimated to reach $10.5 billion in FY 1983. The 1982 appropriations total approximately $3.1 billion."

Theories of or Reasons for Federal Aid

There are three major theories or rationales for continuing federal aid to higher education, each backed by powerful groups with significant political clout. Unfortunately none of these theories tends to support aid to law students.

The administration's position is that the federal government should get out of the field with the possible exception of guaranteeing loans at or near the market rate. "The primary emphasis should be placed on self-reliance by parents and students, and any 'safety net' should be provided by the states. They point to data suggesting that parents are now paying a smaller percentage of college costs despite increases in real income."

The second theory or rationale is provided by colleges who are primarily concerned with undergrads rather than grad students, and who argue that the government has an obligation to provide "access" to all qualified high school graduates. "These institutions are united in the proposition that aid to graduate and professional students is considerably less important than guaranteeing to every student the opportunity to obtain his or her first degree."

The third theory or rationale is that advanced by universities with significant research capabilities. They argue that research carried out by graduate students is important to the economy and to national defense, and therefore should be supported. But this rationale does not apply to law schools.

Therefore, "during the next months there will be struggles by adherents of each of these [2] approaches to secure at least part of their objectives, while the administration will be seeking the line of least resistance in its paramount objective of cutting costs. The troubling point is that law schools are not expressly included as objects deserving of special support by the federal government under any of the current approaches advanced by different components in the educational community. As a result, they risk becoming sitting ducks for the administration . . . My point is that legal education is in danger of being left with whatever crumbs are left as a result of negotiations between undergraduate institutions that have the most political impact, and research universities which have the greatest prestige, with a federal government that simply wishes to cut its costs."

Other Arguments Against Law Schools

"There is a wide popular perception that we are educating 'too many lawyers.' The increase in the size of the profession from 305,000 in 1970 to 518,000 in 1980, and the prospects of adding another 225,000 in this decade, lead some to believe that the nation does not need as many lawyers as we are educating.

"The average debt of student borrowers at graduation, about $14,000, may not seem high to those who read almost daily of the salaries paid to young lawyers, and the ability to pay back such loans over twenty years in deflated dollars while deducting the interest may appear to be too generous to some.

"The fact that over 50% of GAPFAS law applicants reported educational debts of less than $3,000 may suggest to some that law students can pay higher interest rates and law schools will not wither away if the interest subsidy is eliminated."

The Unsupportive Attitudes of Universities

"It is not uncommon for some universities to see their law schools as profit centers, and even the most generous universities are not disposed to view their law school as 'loss' centers. Much of the work of the ABA during recent years has been aimed at developing rational principles to govern the financial relationship between law schools and the universities of which they are a part and to ensure that the law schools are not looted to meet the demands of failing programs elsewhere.

"The propensity of a university to look to its law school to produce funds that it needs elsewhere is greatly exacerbated when the financial problems facing other divisions of the university become acute. . . Law schools are particularly vulnerable because most university presidents have now been persuaded that there is an almost bottomless pool of highly qualified people who want to go to law school and will pay for the opportunity to do so."

Other Problems Faced by Law Schools

"We are facing a period in which it is likely that there may be a net decrease in college graduates [from demographics and less financial aid] at a time when job opportunities for lawyers may be becoming more bleak." College graduates may also be deterred from attending law school by the need to repay undergraduate loans, or by the fear of incurring even increased debt.

The Impact in Various Areas

"For most [law] schools, the issue will not be filling a class, but the effect on quality and heterogeneity." Without aid we face a real chance of returning to the days of classes of virtually all-white upper-middle-class students, and "a decrease in the size of the applicant pool quite probably will reduce the quality of students in some schools."

Affirmative action plans will also have to be reexamined. "it is one thing to treat minority applicants more favorably than others in granting scholarships when other students are able to finance their education through low interest loans. It is much more difficult to concentrate financial aid on a relatively few minority or disadvantaged students when there is a significant number of other students who are highly qualified and who are either unable to obtain funds required to finance their legal education, or are doing so at the sacrifice of accumulating extremely large loan obligations . . . To raise tuition in order to pay grants to any limited segment of the law school population may pose formidable problems when students are dependent on high interest loans to pay the costs of their education.

"More of these [law] schools may have to begin thinking about merit scholarships if there is any reasonable expectation of attracting extremely bright kinds who do not have a large demonstrable need . . . The impact on heterogeneity is obvious if schools choose to expend more grant funds on a merit basis and reduce the funding now available for needy students.

"It seems equally clear that more students will work, students who are now working are likely to work more, and more will work in jobs unrelated to the practice of law . . . Unfortunately, the need for work and the marketplace may require more students to engage in less desirable employment."

Professor Pye's Alternatives

REALLOCATE RESOURCES: "In some schools it is possible to imagine a smaller faculty teaching fewer electives. Unfortunately, the area most likely to be sacrificed in many schools would be the fledgling clinical programs, which are both expensive and frequently regarded as less than essential by a majority of the faculty . . . Some schools could allocate some funds now used for faculty, some funds now used for libraries, and some funds now used for scholarship grants to subsidize the interest rates on loans undertaken by their students in the event that the in-school loan subsidy is eliminated."

NEW THINKING: "Perhaps the most important task lying in front of us is the education of parents and students who are not yet in law school . . . We may have reached the point where it is appropriate to begin thinking of legal education as a capital asset which will yield a return over a half-century."

PART-TIME EDUCATION: "One of the ways in which some schools may respond to the problem is through enlarging, revitalizing, or beginning programs of part-time legal education . . . It may be worthwhile to contemplate a renaissance of part-time legal education not limited necessarily to afternoon and evening classes. Some distinguished undergraduate schools, such as Yale, and several graduate schools, are now moving in this direction. Part-time study may constitute an alternative less undesirable than living a myth in which full-time students are working extensively to pay for their legal education."

PLANNING NOW: "Every school should begin to examine the implications for its student body and develop a plan to deal with them . . . Much can be gained by the law school in taking the initiative in proposing a university plan, and much can be lost if the law school does nothing until presented with a program by its central administration."

My Own Modest Proposals

It now appears clear that there will continue to be cutbacks in federal aid to higher education, if not now then after the 1982 elections. The question is no longer if, but when and how much. Lobbying can help to lessen the cutbacks but not eliminate them.

For the reasons Professor Pye has clearly indicated, law schools cannot count on much help from universities who will argue primarily on behalf of undergraduate education or graduate research. Indeed, law schools will have to guard against attempts by universities to use law student tuition to make up their own deficits caused by the federal cutbacks. Nor can we count on much sympathy from the general public who see little need for the poor and middle class to pay taxes to increase the "lawyer glut," and produce more high paid lawyers.

For all of these reasons I agree most strongly with Professor Pye that we can and should begin planning now, rather than waiting for the impacts to hit us or for the university to propose its own plans. Fortunately, the National Law Center enjoys a number of major advantages over other law schools in meeting these challenges. Our tuition is substantially lower than that of many other law schools with which we compete. We are situated in an area where both part-time and full-time employment for law students is at least as plentiful as it is likely

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Kafka Goes To Law School

by Ellen Reich

This is a true story. Details and the names of the innocent have been thinly disguised to hinder retribution.

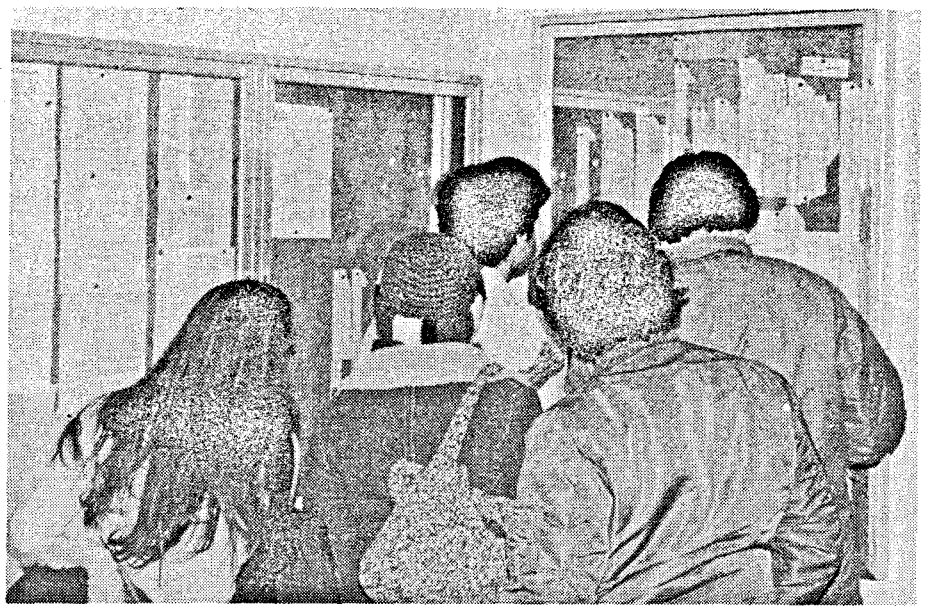
SUNDAY. The Beginning. All seemed as well as PR and BB cruised toward the grade board. The completion of exams in December signified with little fanfare the halfway point. Palms did not sweat nor stomach knot in the yet naive PR. Anticipation facing the unknown kindled an alert sensation, but it was borne from an underlying self confidence. In spite of the eccentric proclivities of professors, a student well into the top of his class doesn't have to worry excessively; particularly when a healthy balance of attitude is kept with a basic disdain for competitive law school yearnings. It was early, registration not beginning until tomorrow, so the board was easier to decipher. Tiny, faded digits, six long, stacked one above the other, each followed by two more, handwritten digits. Corporations: 85. A warm feeling of security. PR felt good. BB appeared undaunted as he checked another anonymous class report card. Eyes continued to move; the two stood alone.

It was a sharp intake of breath that pulled BB from his methodical investigation. The ghastly white of PR's skin and the slight sweat breaking across his upper lip made BB recall in vain his high school health class emergency training. PR was clearly in trouble. "PR?" he asked in a questioning voice. Silence. As BB readied internally to take action he was stalled by a low, rasping sound from PR's throat. "What?" he inquired, now with a twinge of impatience. "Forty-five . . .?" was the barely articulate response.

The law student's nightmare? A sudden hallucinatory hangover from last night's beer? Amid all those 70s, occasional 80s, and rare 60s, there stood in mute dignity a 45. And it was by PR's number. There was no mistake about that. Clearly, however, as the world began to sink back into focus, PR realized there was a mistake about something. But it was Sunday. If no longer a day of rest, certainly a day of closed offices. The Wait had begun. And the gnawing sensation against all that was predictable and reasonable in his life began. From then on, PR felt alone.

TUESDAY. The Investigation. PR became an elusive figure to his friends during these early days of school. Neither shame nor avoidance motivted his quick and darting movements; rather it was the many trips from office to office, Bacon to Stockton, administration to professor, and a burning desire to get an accurate grade to purge his record which caused his greetings to be tossed over one shoulder as he hurried by.

Some information began to surface from the heretofore quiet quagmire. Crucial information. The test had been recorded as handed in. To PR it was sad and obvious: the test had been lost. The grueling hours of studying tax, sacrificed from other courses and hours of pleasure, would be recorded for posterity as a mere credit. Credit where credit is due, but no evaluation. PR felt



worn. Unknowing of the difficulties and humiliations yet before him.

WEDNESDAY. Contact. A telephone connection at last! He had reached the Kirb (a previously coined name of affection for the tax prof in question). PR asked the Kirb if perhaps he had mislaid the exam . . . it was a typed exam . . . and perhaps more extensive search could turn up the missing document. The Kirb's lilting voice had an eerily icy quality. "PR," he drawled, in a tone causing skin to crawl, "you know you never handed in that test." After a speechless moment, PR was left only to reassert, ineffectively, that he had indeed turned in the exam. He sensed this conversation was ended. However, before he could extract himself with a semblance of grace to contemplate his increasingly difficult situation, the Kirb dropped what he considered the ultimately incriminating piece of evidence. "What made you assume your exam was missing?" said the Kirb. "The grade of 45 is what is given for exams not taken," replied PR. The Kirb remained unimpressed.

FRIDAY. The Need to Talk. PR wanted to muse with friends. He thought he was putting the pieces together, but sought

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Kafka

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feedback. He typed the exam. It was on 8½ x 11" white paper—quite ordinary. The exam itself printed on 8½ x 11" white paper. The exam was four pages stapled together; PR's answer was eight pages stapled together. He handed it in, the proctor checked him off, and, quite possibly, put the answer in the exam pile and the printed exam in the answer pile. (Exhibit A—98 Blue Books and one printed exam were what the Kirb received from the proctor.) The Kirb saw this as PR's ploy . . . to stay in the typing room for three hours . . . perhaps even typing . . . and to move with a swift slight of hand in the face of proctor disinterest, and hand in, in fact, a copy of the printed exam. PR's view certainly seems more plausible, even to those not familiar with his purity of character. The bizarre quality of the Kirb's story is further heightened when contrasted with PR's high G.P. Why would a good student bother? Especially a good student with a record already made human by sometimes less than stellar grades?

"Aha!" cries the Kirb. "He tripped up by the fact of the crime . . . he knew the exam was missing before he was told it was missing!" True, it is not common knowledge that a grade of 45 indicates an exam not taken. PR's friends didn't know it. The Associate Dean didn't know it. But on page 39 of the National Law School Bulletin that very information is clearly stated. Twice in fact. PR reads bulletins.

MONDAY. The (Brief) Meeting. PR wanted to face the Kirb. Why, he was even taking him this semester for another class. Bravely, he wanted his face, his number, and the incident to gel into one reality. He wanted to fight for his reputation and for the truth. He entered. The Kirb was standing. PR sat. The situation seemed less than hospitable. He had already been called a liar by this man in not quite so many words. With a steadying breath, he began his defense of all that he knew happened and all that he suspected. PR brought evidence: his corporations exam; also typed on 8½ x 11" white paper; also, coincidentally, clearly graded with an 85. The Kirb was unmoved. PR told him he was in another of his classes this semester. The Kirb told him, unequivocally, to get out. Literally, to get out of the class, and impliedly, the interview was over.

WEDNESDAY. The Wrap Up. Two weeks into class and needy of three more credits. It seemed that Admiralty at 9:00 a.m. would be his semester long reminder of this macabre injustice. The actual outcome would not be reduced to medieval trial by battle, but would be referred to The Committee. The Kirb felt the only answer was to let the grade stand as recorded. The Committee toyed with other options. PR could take another exam this spring—five months after the course and on top of five other courses. Or perhaps PR would like to write a paper? PR prayed for the relief of getting a simple credit and letting the matter be buried. Buried, of course, as much as possible. Bureaucratic horrors and contemptuous accusations left their scars on this innocent from Peoria, PR. ■

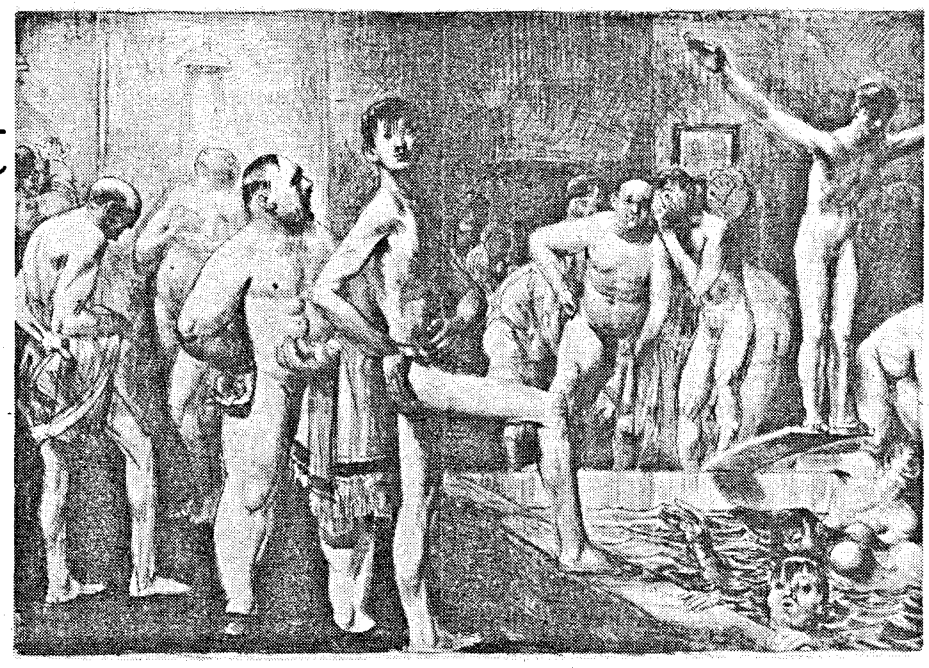
L E I S U R E T I M E

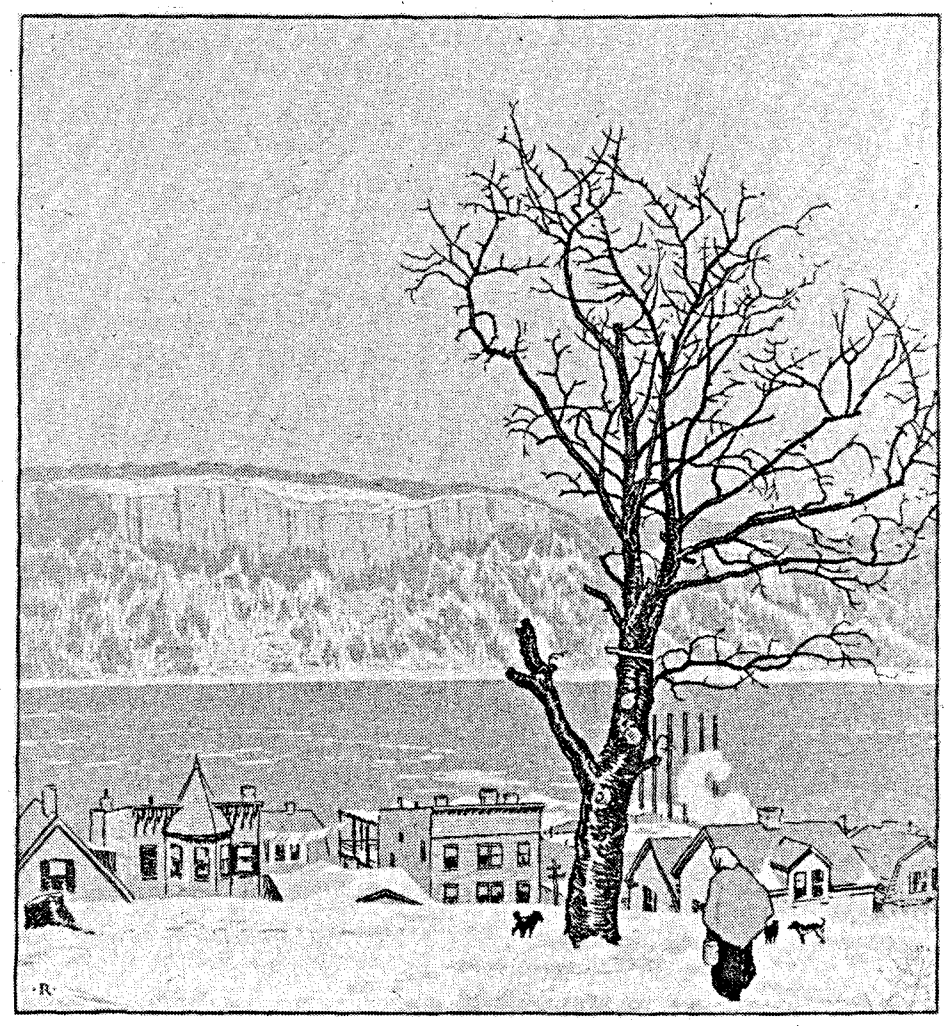
GW Grad Makes Music At Foggy Bottom Cabaret

If those recent rumors concerning how many of last year's graduates are unemployed have got you down, take heart from recent grad Doug Mishkin (NLC, 1980). Not only is he a practicing attorney, but he's about to enter the entertainment business.

While Doug was at G.W., he played guitar and sang at Singer's Studio, a Georgetown coffeehouse that was forced to close by the area's prohibitive rents. Prompted by the loss of Singer's and the lack of cabaret-type places near G.W., Doug decided to start his own Saturday night coffee house. The result is an eight-week trial run at the Sherry Cafe, located in the Sherry Towers at 2116 F Street. Opening night will be Saturday, March 27, and the coffee house will feature performers from Singer's, the Songwriters Association of Washington, and other local talent. (If you're interested in performing, auditions are by tape only, and should be sent to: Doug Mishkin, 2020 F Street, N.W., Apt. 313.)

The Sherry Cafe itself is a small (seats 75) and pleasant restaurant with a varied menu, ranging from hamburgers to filet mignon. The current plans are to serve a limited dinner menu of sandwiches and appetizers at the Saturday coffee houses. There will be a $4.00 cover charge (no minimum drink order), which Mishkin says is reasonable in light of current movie prices, and the quality of performances expected at the Sherry Cafe. Although a place to eat, drink, and talk, the emphasis, says Mishkin, will definitely be on the entertainers. (For reservations call 861-8447). ■





CAVEAT CENATOR

Bootsy, Winky & Miss Maud

by Fred Becker

Bootsie, Winky & Miss Maud
2026 P Street, N.W. 887-0900

In Washington it is a pleasant change to find a restaurant that offers light meals with a nouvelle cuisine touch. Bootsie, Winky & Miss Maud is a restaurant that provides such fare, and also seems to make an attempt to go a little further to try to please the customer. Upon sitting down one is brought a fresh round loaf of pumpernickel and a dish of apricot flavored butter, a different and positive change from what is served in most restaurants.

There is a small selection of appetizers with offerings as diverse as hummus, country pate, and escargot pie. The main dishes center around salads, sandwiches and seafood dishes. There are also daily specials as well as a daily pasta. We had the daily pasta, cannelloni stuffed with spinach and finely ground beef, topped with melted cheese and surrounded by tomato sauce. While the filling was quite delicious with a good blend of meat, spinach and spices, the somewhat bland tomato sauce tended to downgrade what was otherwise an excellent dish.

Our second choice was chicken papillote, one of the specials of the day, and certainly one of the most filling entrees on the menu. The dish consisted of a large boneless breast of chicken covered with sliced vegetables in a tarragon and oregano sauce, where the ingredients are cooked in parchment. Overall the dish was tasty, though the chicken was a little dry on the inside. This entree came with a small salad that had a tangy caesar-salad-type dressing.

The light eater among us chose the avocado stuffed with lightly-curried tuna. The dish was appealing in its appearance, taste, and especially the way in which the creamy curried dressing was served. Rather than having the dressing mixed throughout the tuna, it was served on top, thereby enabling the diner to season the tuna according to his or her taste. The dressing itself was subtly spiced, which I thought was an improvement over what usually results when curry is used in restaurants.

For those people who thought they might save a few calories with their main dish, when it comes to the desserts give up all hope of trying to keep count. The desserts were superb as well as reasonably priced. The mocha pie, with its mocha and toffee filling, a mocha and ground almond cruse, and topped with chocolate whipped cream and chocolate shavings, was so rich and creamy that it was like eating soft fudge. Just as delicious was the apple crisp, sliced fresh apples baked in a deep dish and covered with a crunchy granola topping that is baked again before the dish is brought to the table. To make a good thing even better, the apple crisp comes with a small side dish of homemade whipped cream. Also offered that night was strawberry shortcake. To complement these desserts the restaurant serves mocha-French blend coffee, a superior offering in contrast to the coffee most restaurants serve, hot mulled cider, and a selection of Twining teas.

An additional item worth mentioning is the wine list, which offers a relatively wide selection of wines from the United States, Italy, France, and even Bulgaria. Prices are moderate, and there is a choice of five house wines which can be ordered by the glass or by the carafe.

The service was friendly and the waitress was willing to spend time with us in helping us make our selections. Bootsie, Winky & Miss Maud is also one of the few moderately priced restaurants where the tables are arranged far enough apart so that you do not have to share your conversation with your neighbors at the next table. The atmosphere is pleasant and you are able to have a main dish, glass of wine and dessert for under ten dollars. Reservations are recommended. ■

Dealing With Cutbacks

(Continued from page 7)

to be anywhere else. We also have a strong and well-established part-time [night] program.

What can we do? Here are some ideas I think should at least be explored:

1. Re-evaluate all of our current grant, loan, and work programs to see if they are both fair and efficient in view of changing conditions. What may have been fair and as efficient as necessary when federal money for other law students was both plentiful and cheap may not be so under changed conditions. If some or all programs have to be cut back or otherwise changed, let's do it on the basis of a rational analysis of all of the facts, and with input from all segments of the law school community.

2. Investigate to what extent current grants [including tuition remission] can and should be changed to some form of loan program. Such loans could be binding legal contracts or "moral commitment" loans, and could be at anything from market rates to no interest. Some schools are even experimenting with tuition remission loans where the student promises to donate a fixed percentage of earnings to the law school during the early years of practice. If the primary purpose of an aid program is to make sure that deserving students are able to go to law school, a low-or-no interest loan accomplishes the purpose while insuring that there will be money for others in the same year or in years to come.

3. Expand our current part-time program for the study of law, either in the evening or during the day. If many of our students must work more-or-less full time to put themselves through law school, isn't it better to recognize this fact and at least give them the opportunity to carry a course load which is more consistent with their outside obligations—and perhaps give them the opportunity to study more and improve both their education and their grades. The marginal costs of expanding the present program—and largely using existing resources—is almost certainly less than the increased revenue, not to mention the added additional opportunities for people who must work but want to go to law school.

4. Have the law school engage in remunerative activities using law students under supervision to do the work, and use the income to keep tuition down or to lower the interest on student loans. Medical students assist hospitals and clinics to provide needed services for a fee; the institution receives the income and the student gets the experience. Many graduate schools receive grants or even contracts from private businesses to do research in their areas of interest and expertise; the institution receives much needed income, and the students get invaluable experience and some compensation. Why can't a law school do the same?

Could the National Law Center produce and market books or pamphlets on general legal matters and aimed at the public? Many private authors do, and various public interest organizations find it a valuable source of income.

Could the National Law Center provide courses of instruction in law-related matters to businesses, associations, government employees, public interest groups, smaller schools, and other similar organizations. Students could give the lectures and conduct the courses under faculty supervision and gain valuable teaching experience.

Is there any reason why the law school cannot provide legal research for law firms, corporate counsel's offices, or even government attorneys on a contract basis [like rent-a-clerk]. Law students would earn income, get valuable experience on real legal problems, and receive law school credit if the work is satisfactory.

There are many other services—up to and perhaps one day even including a legal clinic—which the law school could provide to earn badly needed revenue and make use of a very valulable resource we have in quantity: legally trained people eager to get practical experience and if possible earn some income. ■

BUSINESS FOR LAWYERS

Shorting On Stocks

by David Braus

The normal method of trading common stock takes the form:

(a) Individual buys stock;

(b) Individual prays for stock to appreciate in value; then

(c) Individual eventually sells the stock.

However, this form applies only to approximately 92 percent to 94 percent of all transactions on the New York Stock Exchange. The remaining six percent to eight percent of the transactions are attributable to a small breed of demented speculators (of which this author is one), who practice "shorting." The method for selling short or "shorting" common stock takes the following form:

(a) Demented individual sells stock he doesn't own;

(b) Demented individual prays for stock to depreciate in value; then

(c) Demented invidual eventually buys back the stock and clears his short position.

When an investor has a long position in a stock (the standard method of buying stock), the most s/he can lose is everything s/he has invested in the security. However, with a short position, the speculator can theoretically lose an infinite amount of money.

For example, if X sells 100 shares of IBM short at $50 s/he gets $5000 immediately for the sale. If IBM proceeds to climb to $100, the investor is down at least $5000 in paper losses. If IBM could muster $200 a share, the investor is down at least $15,000. And if IBM reached $500 a share, the investor should pat himself on the back for fine determination, and then contemplate suicide.

When stock is sold short, no magic really occurs, but rather the brokerage firm merely loans the stock in question to the shorter on the condition that he repay the stock in the future. An added little feature is the margin requirement for short selling. Since the demented investor is borrowing on margin (i.e. selling something he doesn't own), he is required to keep a percentage of the loan on hand (the Federal Reserve Board historically has had about a 50% margin requirement), and is also required to pay interest on the loaned portion.

Thus, the margin requirement keeps Mr. or Ms. Investor from selling short, taking his cash and forgetting about any paper losses. In the earlier example, when IBM reached $500 a share, the speculator would be selling his gold fillings in an attempt to meet his monstrous margin calls.

Shorting is not really 'demented' in any sense, for it helps provide liquidity in the market and helps soften the supply/demand variance. Shorting is one of the few method whereby one can profit very much in a bear (bad) market. The more prices fall, the greater the profits of the shorter. Selling short is often criticized by the general public because it is felt that there is something inherently wrong with 'betting' that the market will go down, and also Americans frown on selling things they do not own.

Much of short selling's bad reputation comes from historical abuse of the process when regulations were lacking. One of the greatest shorting exploits involved the Harlem Railroad stock and two great market abusers: C. Vanderbilt and Daniel Drew. The former was buying out the railroad and driving the stock abnormally high. Drew induced the new York City Council to pass legislation which would severely limit Vanderbilts buyout. On this inside information, Drew began shorting Harlem Railroad Stock like a fiend. Drew kept shorting until he realized that he had sold short more stock than actually existed, making it impossible to cover his position. He settled under Vanderbilt's brutal terms. The following philosophical statement is attributed to Mr. Drew:

He who sells what isn't his'n
Must buy it back or go to pris'n. ■

Carlsons

(Continued from page 1)

record may be expunged under the Federal Youth Corrections Act. The participants have spent hours preparing their briefs and arguments, holding a virtual monopoly on the basement library stacks in past weeks.

Despite the long hours of work and some disappointments in first round, the overwhelming majority of participants have found the competition to be valuable in preparing for real litigation. Many expressed their gratitude to the first round judges, who were extremely helpful in giving constructive criticism on the briefs and arguments, and to the Moot Court Board for their work in making the competition possible. ■

THE RAG LINE

Committee on the Eighties Proposes Legal Writing Changes

by John F. Banzhaf III

The Law School's Committee on the Eighties chaired by Professor Elyce Zenoff has issued its first report recommending important changes in our legal writing program. Its recommendations include: expanding the present first-year program to a two-semester three-hour course; removing the teaching of professional responsibility from the course; establishing uniform minimum standards for legal writing courses; and requiring legal writing in each year of law school.

I strongly agree with and support the report and its recommendations. However, I would like to briefly suggest a number of points the Committee may not have considered.

In my experience, many of our students are sadly deficient in basic writing skills. They have problems with sentence structure and grammar, and do not know how to use punctuation, write topic sentences, make transitions, develop a proper—much less effective—outline, or write abstracts, introductions, or conclusions. Many seem never to have heard of the "tell me three times" or K.I.S.S. principles.

Although many aspects of legal writing involve legal analysis and perhaps can be taught best by lawyers, the basic principles outlined above are a prerequisite to any form of wriring, including legal writing. These principles clearly can be taught by non-lawyers, and perhaps can be taught even more effectively and less expensively by non-lawyers, rather than by recent law graduates whose major skills lie in other areas.

A basic principle of instruction in virtually any new activity is to teach each major element separately, and not to try combining them until the student achieves a basic level of skill with regard to each element. Beginning a legal writing course with a legal memorandum violates this basic principle because students frequently have not mastered the three major elements: basic English writing, legal analysis, and writing styles unique to lawyers.

Finally, several studies indicate that one of the most effective ways to master any form of writing is to edit. People will learn better and faster if they edit the work of others rather than simply doing their own original writing. This principle could be put to very practical use by having students who had done well during their first year participate in the legal writing program as teachers and editors, much the same way that law review editors sharpen their own skills and those of students under them by editing their work. ■

C A L E N D A R . . .

March

17
ST. PATRICK'S DAY — go directly to The Dubliner & Drink!

18
NEW INDEPENDENT FILMMAKER SHORT FILMS. Hirshhorn Museum, 8:00 P.M., Free.

19
BREAK BEGINS. See Root Boy Slim at Columbia Station (667-2900), real Washingtonia!

20
JEAN PIERRE RAMPAL, flutist (flautist?) at Kennedy Center's Concert Hall, 8:30 P.M.

21
THE KINGSTON TRIO at Charlie's Georgetown (298-5985).

22
Robert Altman's *NASHVILLE & THREE WOMEN* at The Biograph.

23
PIRATES OF PENZANCE, with ex Herman's Hermit Peter Noone at The National Theater through May 2 (638-2688).

24
TWELFTH NIGHT is performed by the Kennedy Center's Acting Company in the Terrace Theater through the 30th (254-9897).

25
ACADEMY AWARD WINNERS & NOMINEES, short films 1978-81, Hirshhorn Museum, 8:00 P.M., Free.

26
LEON RUSSEL at The Wax Museum, 4th & E Streets, S.W., 8:00 P.M. (USA-0000).

27
THE SMITHSONIAN'S ANNUAL KITE CARNIVAL — Washington Monument Grounds. Competition begins at 10:00 A.M.

28
MEDEA, with Zoe Caldwell at Eisenhower Theater, Kennedy Center, through April 10 (254-3670).

29
CLASSES RESUME.
CHERRY BLOSSOM FESTIVAL BEGINS, 7:30 P.M., Tidal Basin. (426-6690)

30
SHAKESPEARE'S THE TEMPEST at the Folger Shakespeare Theater through April 25 (544-4600).

31
The Source Theater's popular production of *BENT* continues through April 3 (462-1073).

THE JACOB BURNS LAW LIBRARY
LIBRARY HOURS—MARCH 1982

Saturday, March 20	9 A.M.-1 P.M.
Sunday, March 21	Closed
Monday, March 22 thru Friday, March 26	9 A.M.-10 P.M.
Saturday, March 27	9 A.M.-5 P.M.
Sunday, March 28	Noon-10 P.M.
Monday, March 29	8 A.M.-Midnight
	(Resume Regular Hours)